

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

JOHNNY SAMUEL,)	
)	
Plaintiff,)	
)	CV 09-RRA-2109-S
vs.)	
)	
UNITED STATES OF AMERICA, et.,)	
al.,)	
)	
Defendant.)	

Memorandum Opinion

The case comes before the court on the motion of the defendants to Dismiss, or, in the alternative, for Summary Judgment. (Doc. 11.) Also before the court is the plaintiff's motion to dismiss. (Doc. 17.) On May, 22, 2010, the Magistrate stated the following:

1. It is RECOMMENDED that the plaintiff's motion to dismiss all claims against the individual defendants without prejudice, and, as to the claims against the United States, to strike the jury demand and to dismiss claims for punitive damages against the United States be GRANTED. It RECOMMENDED that all claims against the individual defendants be DISMISSED, without prejudice. It is further RECOMMENDED that all claims against the United States for punitive damages be DISMISSED, with prejudice, and that, as to the United States, the jury demand be STRICKEN.
2. It is RECOMMENDED that, as against the United States, all claims other than those under the FTCA be dismissed for failure to state a claim upon which relief may be granted.
-
4. It is RECOMMENDED that the defendants' motion to dismiss the individual defendants with prejudice be granted only as to the claims made against them under the FTCA. The motion should be denied to the extent it otherwise seeks dismissal of the individual defendants with prejudice.

(Doc. 26, pp. 8-9.) The time for objections to the recommendations has expired and no party has objected.

Having carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation, the Court is of the opinion that the magistrate judge's report is due to be and is hereby **ADOPTED** and his recommendation is **ACCEPTED**. An appropriate order will be entered.

DONE this the 21st day of June, 2010.

A handwritten signature in black ink, reading "Sharon Lovelace Blackburn". The signature is written in a cursive, flowing style. Below the signature is a horizontal line.

SHARON LOVELACE BLACKBURN
CHIEF UNITED STATES DISTRICT JUDGE